

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL ANGELO BURNETT,

Plaintiff,

Case No. 1:24-cv-155

v.

Hon. Hala Y. Jarbou

HEIDI E. WASHINGTON, et al.,

Defendants.

ORDER DENYING LEAVE TO PROCEED *IN FORMA PAUPERIS* ON APPEAL

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983 which was dismissed on March 29, 2024, without prejudice because Plaintiff failed to pay the filing fee and is barred from proceeding *in forma pauperis* under 28 U.S.C. § 1915(g). (ECF Nos. 9, 10, and 11). In the dismissal, the Court warned Plaintiff that should he file a notice of appeal, he would be required to pay the \$605.00 filing fee in a lump sum, because he is prohibited from proceeding *in forma pauperis* on appeal by § 1915(g).

On April 25, 2024, Plaintiff filed a Motion to Alter or Amend Judgment (ECF No. 12) pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. *See Huff v. Metro. Life Ins. Co.*, 675 F.2d 119, 122 (6th Cir. 1982). Plaintiff also filed a Notice of Appeal (ECF No. 14) of the dismissal on the same date. The Court denied the motion to alter or amend judgment on June 5, 2024 (ECF No. 16). Plaintiff has now filed a Notice of Appeal regarding the denial of his motion to alter or amend judgment. (ECF No. 17.)

Plaintiff has failed to submit the \$605.00 filing fee for an appeal for either of his current appeals in this case. As outlined in the Court's opinion and order denying him pauper status,

Plaintiff is barred from proceeding *in forma pauperis* on this appeal. Plaintiff has twenty-eight (28) days from the date of entry of this order to pay the entire filing fee for appealing a civil action, which is \$605.00, to the Clerk of this Court. This requirement applies to each of Plaintiff's appeals. Plaintiff's failure to comply with the order may result in dismissal of the appeals without prejudice by the Sixth Circuit Court of Appeals.

IT IS SO ORDERED.

Dated: June 28, 2024

/s/ Hala Y. Jarbou
HALA Y. JARBOU
CHIEF UNITED STATES DISTRICT JUDGE

SEND REMITTANCES TO:

Clerk, U.S. District Court
399 Federal Bldg.
110 Michigan St., N.W.
Grand Rapids, MI 49503

All checks or other forms of payment shall be payable to "Clerk, U.S. District Court."